

## **RICHLAND COUNTY MAGISTRATE ' S COURT PROCEDURE FOR SMALL CLAIMS**

Jurisdiction: Magistrate's Court can hear claims of \$5,000.00 or less.

It you want to sue for more than \$5,000,00 you must file your claim in the Court of Common Pleas.

Filing: The County of Richland charges a \$35.00 filling fee for each claim.

Venue: The Defendant (person being sued) has to be a resident of Richland County. In case of a business, the business has to be located in Richland County. If you have any questions whether person or business is in Richland County, please ask the Clerk for assistance.

Complaint: All claims have to be filled out on the complaint form, which is provided by the Magistrate's Court. It you need assistance with filling out the complaint form, please ask the Clerk for assistance.

Summons: After the Complaint is filed and the fee Paid, the Magistrate will issue a Summons to the Defendant, requiring him to answer within 30 days after service of Complaint.

Answer: Unless the Defendant files an answer to the Complaint within 30 days, all facts are admitted as true. The Defendant should file an answer on forms provided by the Magistrate. Again, the court will assist in filling out answer forms, if necessary.

Counterclaims: The Defendant may also assert a Counterclaim against the Plaintiff if the claim arises out of the same circumstances as the Plaintiff's claim. The Defendant has 30 days to bring a Counterclaim after receiving the Plaintiff's claim.

Default: If the Defendant fails to appear or answer the Complaint within 30 days, the Plaintiff will receive a Default Judgment. A Default Hearing will be scheduled if the Defendant has not answered the Complaint within 30 days of service.

Evidence: At the trial, each party must be prepared to present his case. Each party should arrange for any witnesses to be present, as well as provide for any documents and other evidence pertaining to the matter. Written, notarized or out-of-court Statement cannot be used as evidence. These people need to be present at trial.

Summons: This Court will issue a summons for witnesses. A summons is only legally valid for Richland County residents. Please contact the Court ten days prior to the trial for a summons.

Service: The Magistrate does not serve your Summons and Complaint papers. The papers are served by the Richland County Sheriff's Department. On questions regarding service, the Court will assist you by providing, the name and number of the Deputy who will be serving the papers.